The Article V Convention to Propose Constitutional Amendments: Current Developments

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Summary

Article V of the U.S. Constitution provides two procedures for amending the nation's fundamental charter: proposal of amendments by Congress, by a vote of two-thirds of the Members of both houses, and proposal by a convention called on the application of the legislatures of two-thirds (34) of the states, the "Article V Convention." Amendments proposed by either method must be ratified by three-fourths (38) of the states in order to become part of the Constitution. This report provides information for Members of Congress and congressional staff on current developments in Congress, the states, and the advocacy and policy communities concerning the Article V Convention alternative.

From the 1960s to the 1980s, supporters of Article V Conventions mounted vigorous but ultimately unsuccessful campaigns to call conventions to consider amendments related to diverse issues, including school busing to achieve racial balance, abortion restrictions, apportionment in state legislatures, and, most prominently, a balanced federal budget.

After more than 20 years of comparative inaction, the past decade has seen a resurgence of interest in and support for the Article V Convention alternative. Advocacy groups across a broad range of the political spectrum are pushing for conventions to consider various amendments, including a revival of the balanced budget amendment proposed in the 1970s -1980s; an interstate compact that could call a convention, propose, and prospectively ratify, a balanced budget amendment; an amendment or amendments to restrict the authority of the federal government; and an amendment to permit regulation of corporate spending in election campaigns, which would nullify parts of the Supreme Court's decision in *Citizens United v. Federal Election Commission*.

In the 114th Congress, the House of Representatives established new procedures for the receipt and publication of state memorials related to the convention issue, including new applications for a convention and rescissions of previous applications. Two relevant pieces of legislation have also been introduced. The first measure, H.Con.Res. 26, would "effect" the Compact for America's Interstate Compact for a Balanced Budget, summon an Article V Convention, and propose the amendment approved by the convention to the states for ratification. The second, H.J.Res. 34, would amend the Constitution to authorize an Article V Convention to propose specifically worded amendments.

Applications for one or more of the several pending Article V Convention variations were introduced in 47 states during 2015. Progress in enacting these measures has been comparatively slow, however: in 2015 only seven applications were filed by six states, and only the Balanced Budget Amendment Task Force, most of whose 27 claimed applications originated in the 1970s and 1980s, came close to the 34-state constitutional threshold.

Two additional CRS Reports address other aspects of this issue. CRS Report R42589, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress*, identifies and analyzes the contemporary role of Congress in the Article V Convention process in greater detail. CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress* examines the procedure's constitutional origins and history and provides an analysis of related state procedures.

This report will be updated as warranted by events.

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Introduction

Article V of the U.S. Constitution provides two alternatives for amending the nation's fundamental charter: proposal of amendments to the states by vote of two-thirds of the Members of both houses of Congress,[1] and proposal by a convention called as a result of applications from two-thirds of the states, the "Article V Convention." From the 1960s to the 1980s, supporters of Article V Conventions mounted vigorous but ultimately unsuccessful campaigns to call conventions to consider such issues as school busing to achieve racial balance, restrictions on abortion, apportionment in state legislatures, and a balanced federal budget. Since approximately 2010, after more than 20 years of comparative inaction, the Article V Convention alternative has drawn a new generation of supporters. Advocacy groups across a broad range of the political spectrum are pushing for conventions to consider various amendments. This report provides information for Members of Congress and congressional staff on current developments in Congress, the states, and the advocacy community on the Article V Convention alternative. Two companion reports provide more exposition and analysis of this issue: CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress* and CRS Report R42589, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress*.

The Article V Convention Since 1960: Its Rise, Decline, and Contemporary Resurgence

Proposals for an Article V Convention are as old as the republic. According to one estimate, more than 700 have been filed since 1789, most of which have been proposed since 1900.[2] They have included applications for a general convention and petitions for a convention to consider single-subject amendments in an estimated 47 issue areas.[3] In the second half of the 20th century, two campaigns for Article V Conventions approached the 34-state constitutional threshold. Mounted between 1964 and 1983, they concerned politically sensitive issues: apportionment in state legislatures,[4] which gained 33 state applications between 1964 and 1969, and an amendment requiring a balanced federal budget under most circumstances, which gained 32 applications between 1975 and 1983. After reaching these high water marks, the reapportionment proposal lost momentum following the death of its leading advocate,[5] while the balanced budget amendment campaign stalled in the face of growing opposition. The Article V Convention alternative returned to relative obscurity for more than 20 years. In fact, between 1988 and 2010, 17 state legislatures passed resolutions rescinding their earlier calls for a convention. In some cases, these resolutions

[1] This is traditionally interpreted to mean a two-thirds majority of Members present and voting, rather than of the whole number of Members in each chamber.

[2] Statistics provided by Friends of the Article V Convention (FOAVC), and are available on the FOAVC website, at http://foa5c.org/file.php/1/Articles/AmendmentsTables.htm. It should be noted that these figures are not official, but were compiled by FOAVC, an organization that advocates an immediate convention, and that an officially recognized compilation of state applications does not exist at the time of this writing.

[3] Ibid. Some of the issues addressed in state applications included repeal of the 16th (income tax) and 18th (prohibition) Amendments, limitation on federal taxes, and prohibition of busing to achieve racial balance in schools, among others.

[4] Advocates sought to circumvent the Supreme Court's decision in *Reynolds v. Sims* (377 U.S. 533 (1964)) that districts in both chambers of state legislatures must be generally equal in population. The amendment would have permitted states to use factors other than strict equality of population in redistricting one chamber of their legislatures.

[5] Senator Everett M. Dirksen of Illinois (1896-1969).

rescinded *all* previous Article V applications, while others specifically cited a convention for a balanced budget amendment.[6]

Late in the first decade of the 21st century, interest in the Article V Convention revived among a range of advocacy groups. Originally linked to the Tea Party movement and organizations characterized as conservative and populist,[7] the most widely-advocated convention subjects included an amendment or amendments to require a balanced federal budget, restrict the federal debt, and set general limitations on the authority and activities of the federal government.[8] The Article V Convention's appeal spread, however, as self-identified progressive movements, such as Occupy Wall Street,[9] began to advocate a convention for such purposes as overturning parts of the Supreme Court's *Citizens United*[10] decision, changing the definition of corporate personhood, or banning allegedly restrictive state voter identification requirements.[11] The convention option may be particularly attractive on several grounds: it springs unquestionably from the "original intent" of the founders; the need for state applications suggests widespread popular grass-roots origins; and the prospect of proposing amendments directly to the states offers an alternative to what some have characterized as a legislative and policy deadlock at the federal level.

Key Issues in Brief

What Is the Standard for a Valid Application?

A number of questions have been raised concerning the standard for a valid Article V Convention application.

Scope

One issue centers on the permissible scope of state applications. What sort of convention application meets Article V's constitutional requirements? May states apply for (1) a general convention; (2) a convention to consider a single issue, such as a balanced budget amendment; or (3) a convention to consider a specific amendment, the text of which has been included or identified in the petition?

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[6] According to the FOAVC website, between 1988 and 2010, Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Montana, New Hampshire, Nevada, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah and Wyoming rescinded Article V applications. See FOAVC website, at http://foavc.org/file.php/1/Amendments. In recent years, however, Alabama, Florida, and New Hampshire have submitted new applications for a convention to consider a balanced budget amendment. The author gratefully credits Gregory Watson, Legislative Assistant with the Texas Legislature for assistance in verifying this list.

[7] Rebecca Shabad, "Tea Party Express Pushes for Balanced Budget Amendment," *The Hill*, January 15, 2015, at http://thehill.com/policy/finance/232279-tea-party-express-launches-campaign-for-a-balanced-budget-amendment.

[8] Reid Wilson, "Conservative Lawmakers Weigh Bid to Call Constitutional Convention," *Washington Post*, April 4, 2015, at http://www.washingtonpost.com/politics/conservative-lawmakers-weigh-bid-to-call-for-constitutional-convention/2015/04/04/b25d4f1e-db02-11e4-ba28-f2a685dc7f89_story.html.

[9] #Occupy Wall Street, NYC General Assembly, "Article V Constitutional Amendment Convention," April 1, 2012, at http://www.nycga.net/2012/04/article-v-constitutional-amendment-convention/.

[10] 558 U.S. 310 (2010).

[11] John Celock, "Article V Constitutional Convention Could Offer Advantage For Progressive Causes," *Huffington Post*, April 1, 2013, at http://www.huffingtonpost.com/2013/04/01/article-v-constitutional-convention_n_2992831.html.

Some observers hold that only applications for a "general" convention, those that do not cite a specific policy issue or amendment, are valid. Other commentators maintain that state applications for an Article V Convention must address the same issue in order to be counted toward the two-thirds threshold established by the Constitution. Most scholars agree that applications proposing a specifically-worded amendment would not meet the constitutional standard.[12] Congress has, however, received applications calling for an Article V Convention that would consider a particular, specifically-worded, amendment. The practice was most common in the 1980s, utilized by the campaign for a convention to consider a balanced budget amendment. A number of states during that period included the text of the proposed amendment in their applications. At present, the following organizations, "Compact for America," "Single Subject Amendment," and "Restoring Freedom" all propose conventions to consider specifically worded amendments, notwithstanding the opinion expressed by the House Judiciary Committee in 1993 that an application requesting an up-or-down vote on a specifically worded amendment cannot be considered valid.[13] In the 114th Congress, H.J.Res. 34, which is examined later in this report, proposes a constitutional amendment that would authorize the states to propose specifically-worded amendments when applying for an Article V Convention.[14]

Contemporaneity

Another question concerns the issue of timeliness or contemporaneity: is a state application for a convention valid forever, or does it have a limited "shelf life"? If so, how long does this period of validity last? Some argue that state applications are valid for seven years, the same length of time as the ratification window established in the 20th century for most amendments proposed by Congress.[15] Others suggest a shelf life of two to four years for state applications.[16] Conversely, the great majority of Article V Convention supporters generally assert that state applications are valid indefinitely, and that Congress has no authority to set a deadline.[17]

Rescission

A further issue centers on the question of whether states have the constitutional authority to repeal or rescind earlier applications for an Article V Convention. Over the years, some state legislatures have passed resolutions retracting either one, some, or all of their previous applications. For instance, as noted earlier, between 1988 and 2010, an estimated 17 states passed such

[12] In 1993, the House Judiciary Committee concluded that an application requesting an up-or-down vote on a specifically worded amendment cannot be considered valid. The committee held that such an approach robs the Convention of its deliberative function, which is inherent in Article V language stating that the Convention's purpose is to "propose amendments." If the state legislatures were permitted to propose the exact wording of an amendment and stipulate that the language not be altered, the Convention would be deprived of this function and would become, instead, part of the ratification process. See U.S. Congress, House of Representatives, Committee on the Judiciary, *Is There a Constitutional Convention in America's Future?* 103rd Congress, 1st session, committee print, serial no. 1 (Washington: GPO, 1993) p. 7.

[13] Ibid.

[14] H.J.Res. 34, which has been referred to the House Committee on the Judiciary, and its Subcommittee on the Constitution and Civil Justice, is sponsored by Rep. Culberson, and cosponsored by Rep. Cuellar.

[15] *Is There a Constitutional Convention in America's Future?* p. 10.

[16] "Proposed Legislation on the Convention Method of Amending the United States Constitution," Note, *Harvard Law Review*, volume 85, issue 8, June 1972, pp. 1619-1621.

[17] "What Does Contemporaneous Mean as it Relates to Counting Applications," Frequently Asked Questions, FOAVC website, at http://foavc.org/file.php/1/Articles/FAQ.htm#Contemporaneous.

resolutions.[18] Do states have the authority to rescind applications for an Article V Convention? Opinion is divided: some hold that the application process is only preliminary, and that states may withdraw their applications, so long as the two-thirds threshold has not been crossed.[19] Others dispute this assertion, maintaining that that an application carries the same weight as a state's ratification of a proposed constitutional amendment, and that an application cannot be revoked or rescinded.[20]

Self-Cancelation

In the past, especially in connection with the late-20th century movement for an Article V Convention to consider a balanced budget amendment, states also frequently added self-canceling clauses to their applications rendering them null and void if Congress proposed an amendment incorporating the application's stated goals.

Convention Advocates Assert Broad Application Validity

Many supporters of the Article V Convention claim that these various distinctions are immaterial, and that all state applications are equally valid, whether they propose a general convention, a convention to consider one or more policy issues, or one to consider an amendment containing a specific text. The framers, they maintain, deliberately avoided specific requirements for state applications to be counted toward the two-thirds threshold. One advocacy group, Friends of the Article V Convention (FOAVC), maintains that one application is as good as another, that applications are valid indefinitely, and that states cannot rescind their applications. It further asserts that as soon as Congress had received applications of any sort from two-thirds of the states in the union at that time, it had a constitutional obligation to call a convention. By their calculation, 49 of the 50 states have submitted an Article V petition at some point since 1789, and that Congress should have called a convention not later than 1911.[21]

How Many Applications Are Required? How Many Have Been Submitted?

All parties accept the constitutional requirement that an Article V Convention can be summoned only after the legislatures of two-thirds of the states (34) have submitted applications. As noted in the previous section, however, beyond that baseline, consensus begins to break down. Some convention advocates insist that Congress is obligated to call a convention immediately. FOAVC, cited earlier in this report, identifies over 700 applications on its website, filed from 49 states.[22] Other groups suggest that the 34-state threshold has yet to be met for a convention to consider

[18] See above at footnote 6.

[19] Dwight Connely, "Amending the Constitution: Is This Any Way to Call for a Constitutional Convention?" *Arizona Law Review*, volume 22, issue 4, 1980, pp. 1033-1034.

[20] "Rescission," Frequently Asked Questions, FOAVC website, at http://www.foa5c.org/mod/resource/view.php?id=2. Some observers, however, assert that states have the right to rescind ratifications of constitutional amendments prior to the certification that an amendment has been ratified by three-fourths of the states.

[21] Ibid., "Article V Application Tables," at http://www.foa5c.org/file.php/1/Articles/Table_Summarizing_State_Applications.pdf.

[22] Ibid., "Images of Article V Applications" at http://www.article-5.org/file.php/1/Amendments/index.htm.

proposals in specific areas. Of currently active Article V Convention advocacy groups, the Balanced Budget Amendment Task Force claims the most, 27 applications.[23]

Does an "Official List" of Applications Exist?

Another issue frequently cited by convention advocates is the existence, or lack thereof, of an "official list" of state applications for an Article V Convention. According to the National Archives, state applications have not previously been collected in a central repository, but are scattered through the holdings of the Center for Legislative Archives, generally filed with committee papers, and arranged by Congress.[24] FOAVC has criticized this practice, asserting that "Congress has failed miserably (most likely by design) at its duty to track and keep a count of all Article V Convention applications (so that they will know when two thirds of the states have met the prerequisite number for a peremptory Article V Convention)."[25] Beginning in 2013, Article V Convention activists accelerated their campaigns for an official congressional count of state applications,[26] including petitions to both the House and Senate.[27] One advocacy group, ArticleV.org, also circulated a model resolution calling on Congress to "maintain a record of the Article V applications of the states in a form that is open and accessible to the people of the United States."[28]

The House of Representatives established new procedures governing state actions concerning an Article V Convention in the 114th Congress. A rules change directed the chair of the House Judiciary Committee to designate for public availability all such memorials received from the states in the 114th Congress, and at the chair's discretion, any memorial submitted by the states prior to the 114th Congress. The resolution also directed the Clerk of the House of Representatives to make the designated memorials publicly available in electronic form, organized by state and year of receipt.[29] This initiative is examined at greater length later in this report.

Selected Article V Convention Advocacy Groups

The Article V Convention option is currently promoted by multiple advocacy organizations which embrace different approaches to the issue and propose conventions to consider amendments in various issue areas. This section identifies selected organizations that promote an Article V Convention, lists them in alphabetical order, and provides brief analyses of their specific agendas.

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[23] "Active Article V BBA Applications," Balanced Budget Amendment Task Force website, at http://nebula.wsimg.com/ca4282cedfc80cf582e69f265611e5ee?AccessKeyId=499EF5BCFD5720FCE35C&disposition=0&alloworigin=1."

[24] Letter from Rodney A. Ross, National Archives and Records Administration, Center for Legislative Archives, dated March 12, 2007. Available from the author.

[25] "Congress Defies Article V of the U.S. Constitution by Ignoring Hundreds of Article V Applications From 49 of all 50 states," FOAVC website, at http://foavc.org/file.php/1/Amendments.

[26] Ibid., "Article V.org Seeks Official Congressional Count of Convention Call Applications," at http://www.foavc.org/reference/file47.pdf.

[27] House: *Congressional Record*, daily edition, vol. 159, no. 150, October 24, 2013, p. H6775, Petition no. 55; Senate: *Congressional Record*, daily edition, vol. 159, no. 113, August 1, 2013, p. S6204, POM-120.

[28] "Model Resolution to Request an Official Tabulation of State Applications for Article V Convention to Propose Amendments," ArticleV.org website, at http://articlev.org/oxwall/groups/model-resolution-to-request-an-official-tabulation-of-state-applications-for-article-v-convention-to-propose-amendments.

[29] H.Res. 5, "Adopting Rules for the 114th Congress," Congress.gov, at https://www.congress.gov/bill/114th-congress/house-resolution/5/text?q=%7B%22search%22%3A%5B%22hres+5%22%5D%7D.

The author of this report has been unable to identify at the time of this writing any public policy and issue organizations specifically focused on *opposition* to the Article V Convention alternative. A number of established policy advocacy groups, however, have criticized or issued position papers expressing their disapproval. These include, but may not be limited to, the John Birch Society, the Center on Budget Policy and Priorities, Eagle Forum, and Common Cause. Activities and positions of these groups are examined later in this report at the heading "Current Activity in the Policy and Advocacy Community."

ArticleV.org

ArticleV.org[30] traces its origins to the Occupy Wall Street movement of 2011-2012. It emphasizes the use of social media for communication among supporters and describes its mission as "educating Americans on the reasons to bring about an Article V convention," and persuading them to "[a]pply their energy to pressure Congress to call for a Convention."[31] It does not appear to support or advocate either an amendment in a specific policy area or a specifically worded amendment, but offers a broad range of alternative amendments, accompanied by the admonition, "[m]ay the best amendments win."[32]

Balanced Budget Amendment Task Force—BBA

The Balanced Budget Amendment (BBA) Task Force advocates "a convention under Article V of the U.S. Constitution to exclusively consider a Federal Balanced Budget Amendment."[33] The BBA Task Force includes earlier unrescinded "legacy" applications for a balanced budget amendment convention submitted during the 1970s-1980s in its count of valid state petitions and could therefore be considered as a successor to this earlier Article V Convention movement, although it does not describe itself as such. It also campaigns actively for additional state applications.[34]

Compact for America's Compact for a Balanced Budget Amendment

A different approach to the Article V Convention question was advanced in 2013 by the Compact for America (CFA). CFA is a domestic nonprofit "501(c) (4)" corporation registered in Texas.[35] The organization's Compact for a Balanced Budget Amendment is an interstate compact,[36] which it asserts would transform "the otherwise cumbersome state-initiated amendment process under Article V into a 'turn-key' operation."[37] The Compact includes a comprehensive program that its

[30] "About Us," ArticleV.org website, at http://articlev.org/oxwall/.

[31] Ibid., "Who Is ArticleV.org?" at http://articlev.org/oxwall/.

[32] Ibid.

[33] "Our Mission," Balanced Budget Amendment Task Force website, at http://www.bba4usa.org.

[34] Ibid., "Active Article V BBA Applications," at http://nebula.wsimg.com/ca4282cedfc80cf582e69f265611e5ee?AccessKeyId=499EF5BCFD5720FCE35C&disposition=0&alloworigin=1."Breaking.

[35] "About," CompactforAmerica.org website, at http://www.compactforamerica.org/about-2/.

[36] An interstate compact, under the broadest understanding, is contract between or among two or more consenting states. See *Texas v. New Mexico*, 482 U.S. 124,128 (1989) (noting that a "Compact is, after all, a contract.") (quoting *Petty v. Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275, 285 (1959) (Frankfurter, F., dissenting)). The Supreme Court, interpreting the compacts clause of the Constitution (Article I, Section 10, clause 3), has held that a state may enter into an interstate compact with any other state so long as the agreement is not "directed to the formation of any combination tending to increase the political power in the States, which may encroach upon or interfere with the just supremacy of the United States." See *Virginia v. Tennessee*, 148 U.S. 503,519 (1893).

[37] "Compact for a Balanced Budget," Goldwater Institute website, at http://goldwaterinstitute.org/article/compact-(continued...)

advocates claim meets all the requirements necessary to (1) apply for and convene a convention; (2) provide rules and operating procedures for the convention; (3) convene the convention; (4) present, approve, and propose a pre-drafted amendment for transmission to the states; and (5) provide for prospective state ratification of the amendment. The single action of the requisite number of states agreeing to the Compact would, its proponents argue, set in motion the convention process through a series of "conditional enactments," each of which would trigger the next step in the process, ultimately leading to ratification. Proponents claim the interstate compact device would speed up the process so that a convention could be called, convened, and adjourned and an amendment proposed and ratified within 12 months.[38]

The Compact seeks to anticipate and prescribe procedures for various elements in the Article V Convention process. A state's act of agreement to the Compact would constitute its application for an Article V Convention, the sole purpose of which would be to propose an amendment whose text is prescribed in the Compact. Participating states also agree to observe the Compact's provisions governing the convention's composition and rules of procedure. By agreeing to the Compact, states also commit themselves to "prospective" ratification of the proposed amendment.[39] One distinguishing feature of the compact is its self-termination provision. The compact effectively limits itself to a seven-year lifespan: if it fails to gain membership by the requisite 38[40] states within seven years after the first state joins, the compact terminates, and is "repealed, void *ab initio*, and held for naught."[41]

Since the CFA initiative would use an interstate compact as its vehicle for the convention, and since the Constitution requires congressional approval for such a compact, CFA provides model legislation for a concurrent resolution that could be used by Congress to call the convention.[42] H.Con.Res. 26, a concurrent resolution incorporating the Compact for a Balanced Budget, was introduced in the House of Representatives on March 19, 2015, by Representative Paul Gosar. At the time of this writing, four states have joined the Compact for a Balanced Budget.[43]

Convention of States—COS

The Convention of States is a project of Citizens for Self-Governance.[44] In its "Jefferson Statement," it calls for an Article V convention for "the sole purpose of proposing amendments

(...continued)

balanced-budget.

[38] Compact for America, "Statement of Nick Dranias," November 20, 2013, Goldwater Institute website, at http://goldwaterinstitute.org/article/compact-america.

[39] "Legislation," Compact for America website, at http://www.compactforamerica.org/#!legislation/c36o.

[40] The Compact requires approval by 38 states because in addition to petitioning Congress to call a convention, which requires applications from two-thirds (34) of the states, its "conditional enactment" provisions mean that any state joining the compact also agrees in advance to ratify it, an action that requires approval by three-fourths of the states.

[41] "Compact for a Balanced Budget, Article X, Section 7," Compact for America website, at http://www.compactforamerica.org/#!legislation/c36o.

[42] Nick Dranias, "The Compact for America's Laser-Focused Article V Convention Is Clearly Constitutional," Compact for America website, February 22, 2013, at http://www.compactforamerica.org/legal-brief-the-compact-for-americas-laser-focused-article-v-convention-is-clearly-constitutional/.

[43] Alaska, Georgia, Mississippi, and North Dakota have joined the compact. See "The Solution," Compact for America website, at http://www.compactforamerica.org/#!solution/c1flq.

[44] The parent organization seeks to educate and mobilize grass-roots support for measures that would "reduce centralization of government ... educate citizens on the role of states and the constitutional limits on the federal government ... support government transparency ... and disperse budget responsibility to the appropriate level of state or local government." Convention of States website, at https://selfgovern.com/four-pillars-self-governance/.

that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress."[45] This organization distinguishes itself from some other convention advocates by the fact that it calls for a convention for a *general purpose*, rather than a specific policy issue. This is the consideration and proposal of amendments to limit the authority of the federal government. The convention, therefore, would be authorized to propose a range of amendments related to this primary goal. Some of the following have been suggested: a balanced budget amendment; a redefinition of the general welfare and commerce clauses; prohibition of the application of international treaties and law to govern domestic law in the United States; limitations on presidential executive orders and federal regulations; term limits on Congress and the Supreme Court; an upper limit on federal taxation; and sunsetting all existing federal taxes and a super-majority vote requirement to replace them.[46] Reflecting the Tea Party experience of some of its founders, COS emphasizes grassroots organization, planning for "a viable political operation that is active in a minimum of 40 states."[47] At the time of this writing, the legislatures of six states have endorsed the COS application for a convention.[48]

Friends of the Article V Convention—FOAVC

The Friends of the Article V Convention (FOAVC), a self-identified nonpartisan group, has been a persistent advocate of the convention option since its founding in 2007.[49] FOAVC supports the Article V Convention process, but it does not campaign for a convention to consider a specific amendment or a specific subject, such as the balanced budget. As noted previously, FOAVC's website maintains[50] that all state applications are valid indefinitely, that rescissions are not valid, and that Congress should have called a convention as early as 1911.

Restoring Freedom

Another organization, RestoringFreedom.org, a self-identified nonpartisan, nonprofit corporation chartered in Texas in 2009, originated the "National Debt Relief Amendment." This organization calls for states to apply for an Article V Convention to consider a specific proposal, under which any increase in the national debt would require the approval of a majority of the legislatures of the 50 states (26 or more) prior to enactment.[51] As noted elsewhere in this report, the constitutionality of state applications for conventions to consider particular specifically-worded amendments has been widely debated.

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[45] "The Jefferson Statement," Convention of States website, at http://www.conventionofstates.com/the_jefferson_statement.

[46] Ibid., "The Strategy: What Sort of Amendments Could Be Passed?" Convention of States website at http://www.cosaction.com/strategy.

[47] Ibid., "The Grassroots," at http://www.cosaction.com/strategy.

[48] "Convention of States Project Adds Tennessee," State Legislators Article V Caucus Newsletter, edition 38, at http://us3.campaign-archive1.com/?u=eaf0952c702dc94c6fc933d9f&id=2827c74ecc&e=945cb89610. "Indiana Becomes 6th State to Call for a Convention of States to Rein in the Federal Government," Convention of States Action blog, March 1, 2016, at http://www.cosaction.com/indiana_becomes_6th_state?utm_source=Convention+of+States+Project&utm_campaign=9cf7271b01-COS_Weekly_Roundup_3_2_16&utm_medium=email&utm_term=0_45196125c1-9cf7271b01-216342593 The states are: Alabama, Alaska, Florida, Georgia, Indiana, and Tennessee.

[49] "Article V Realities with Bill Walker" at https://www.youtube.com/watch?v=M0m9w7x5cfM.

[50] "FOAVC Frequently Asked Questions, FOAVC website, at http://www.article-5.org/file.php/1/Articles/FAQ.htm.

[51] "The Amendment," RestoringFreedom.org website, at http://restoringfreedom.org/the-amendment/.

Single Subject Amendment

Single Subject Amendment describes itself as a "527 organization and more specifically a Super PAC which is registered with the federal Elections Commission."[52] It proposes an amendment that would limit the content of bills introduced in Congress to a single subject. Noting that 41 states have single subject provisions in their constitutions, it maintains that a federal requirement would "ensure accountability and transparency. Logrolling, earmarks, and pork barrel spending would be curtailed."[53] Unlike most other Article V Convention groups, this organization advocates proposal of a relevant amendment by *either* of the two methods prescribed in the Constitution: by congressional resolution or by convention called on applications from the states.[54] Consequently, it supports H.J.Res. 40, a single-subject amendment introduced in the 114th Congress on March 26, 2015, by Representative Tom Marino. This proposed constitutional amendment would require that each bill, resolution, or vote that must be submitted to the President should "embrace no more than one subject" which must be "clearly and descriptively expressed in the title...."[55]

Wolf PAC

Another outgrowth of the Occupy Wall Street movement is Wolf PAC,[56] which advocates an Article V Convention to propose an amendment that would reverse what it refers to as the "corporate personhood" aspects of the Supreme Court's *Citizens United v. Federal Elections Commission* decision.[57] The Wolf PAC convention application passed by California's legislature declares that "money does not constitute free speech and may be legislatively limited ..." that "the rights that [corporations] enjoy under the United States Constitution should be more narrowly defined ..." and that "[c]orporations ... should not be categorized as persons for purposes related to elections and ballot measures."[58] Wolf PAC's plans also include extensive use of social media and online grassroots organizing in support of its objective.[59]

Current Developments in Congress

The Article V Convention issue has received considerable attention in the 114th Congress, including the aforementioned establishment of new House of Representatives procedures for receipt and publication of state applications for a convention and the introduction of convention-related proposals in the House.

[52] "Mission and Purpose," Single Subject Amendment website at http://singlesubjectamendment.com/mission-and-purpose/.

[53] Ibid., "About the Single Subject Amendment," at http://singlesubjectamendment.com/.

[54] Ibid.

[55] H.J.Res. 40 has been referred to the Subcommittee on the Constitution and Civil Justice of the House Judiciary Committee. No further action has been taken at the time of this writing.

[56] http://www.wolf-pac.com/.

[57] (558 U.S. 310 (2010)).

[58] See California Joint Resolution No.1, Resolution Chapter 77, June 27, 2014, the Clerk of the House of Representatives website, at http://clerk.house.gov/legislative/memorial-pdfs/2014/Memorial-201401-CA.pdf.

[59] Wolf PAC, "The Plan," Wolf Pac website, at http://www.wolf-pac.com/the_plan.

Publication of State Applications by the Clerk of the House of Representatives

On January 6, 2015, the House of Representatives established new procedures for the receipt and publication of state memorials related to the convention issue, including both applications for a convention and rescissions of previous applications. Section 3(c) of H.Res. 5, which provides rules for the 114th Congress, reads as follows:

> Providing for Transparency With Respect to Memorials Submitted Pursuant to Article V of the Constitution of the United States.—With respect to any memorial presented under clause 3 of Rule XII purporting to be an application of the legislature of a State calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, or a rescission of any such prior application—
>
> (1) the chair of the Committee on the Judiciary shall, in the case of such a memorial presented in the One Hundred Fourteenth Congress, and may, in the case of such a memorial presented prior to the One Hundred Fourteenth Congress, designate any such memorial for public availability by the Clerk; and
>
> (2) the Clerk shall make such memorials as are designated pursuant to paragraph (1) publicly available in electronic form, organized by State of origin and year of receipt.[60]

This action sets procedures for the systematic retention and public availability of state memorials pertaining to an Article V Convention by the House of Representatives for the life of the 114th Congress. It arguably meets requests for an "official count" of state applications, at least going forward in time. The Clerk's website began to record state applications in February 2015, and at the time of this writing, 24 applications had been received from 16 states. Twenty three were applications from 12 different states for an Article V Convention to consider amendments in five different areas,[61] and one was a rescission of an earlier application.[62]

H. Con. Res. 26—Compact for a Balanced Budget

On March 19, 2015, Representative Paul Gosar introduced H.Con.Res. 26, "Effectuating the Compact for a Balanced Budget," in the 114th Congress.[63] The resolution incorporates an interstate compact, the Compact for a Balanced Budget Amendment, as advanced by the Compact for America. The measure's language states that it "effectuates" the Compact for a Balanced Budget, but some observers might question why the measure does not contain other language

[60] H.Res. 5, "Adopting Rules for the 114th Congress," Congress.gov, at https://www.congress.gov/bill/114th-congress/house-resolution/5/text?q=%7B%22search%22%3A%5B%22hres+5%22%5D%7D.

[61] These issues included conventions to consider: a: balanced budget amendment (BBA) 11 states; amendments to restrain authority of federal government (CoS) four states; an amendment to repeal "corporate personhood" provisions of "Citizens United" (Wolf PAC) four states; authorize a single subject amendment (Single Subject Amendment) two states; an amendment requiring approval of a majority of state legislatures for any increase in U.S. Government debt (Restoring Freedom) two states. See House Documents, Selected Memorials, Office of the Clerk of the House of Representatives, Clerk of the House of Representatives website, at http://clerk.house.gov/legislative/memorials.aspx.

[62] Ibid.

[63] H.Con.Res. 26, 114th Congress, "Effectuating the Compact for a Balanced Budget, Congress.gov, at https://www.congress.gov/search?q=%7B%22source%22%3A%22legislation%22%2C%22congress%22%3A%22114%22%2C%22search%22%3A%22h+conres+26%22%7D At the time of the present writing, 18 cosponsors have joined Rep. Gosar. They include Representatives Bridenstine, Earl L. Brooks, "Buddy" Carter, Cramer, Culberson, Jeff Duncan, Jones, Lummis, Newhouse, Salmon, Schweikert, Austin Scott, Lamar Smith, Westmoreland, Joe Wilson, Don Young, and Zinke.

affirmatively declaring congressional approval of the compact, as provided for in the Constitution.[64] It does affirmatively state that Congress calls the convention as contemplated under the compact, with a lifespan of not more than one year, and that Congress will refer to the states an amendment conforming to the compact's requirements. As noted earlier in this report, the compact incorporates a series of "conditional enactments" in which the states that join the compact would establish the convention, which itself would consider a specifically-worded balanced budget amendment, which, if approved, the member states would further commit themselves prospectively to ratify. H.Con.Res. 26 has been referred to the House Judiciary Committee's Subcommittee on the Constitution and Civil Justice, but no further action has been taken at the time of this writing.[65]

H.J. Res. 34—Authorizing Consideration of a Specific Amendment by an Article V Convention

H.J.Res. 34, introduced in the 114th Congress on February 13, 2015, by Representative John Culberson, proposes a constitutional amendment that would add to the original Article V Convention language: it would authorize the states to apply for, and for Congress to convene, a convention to consider "an identical amendment," which refers to a specifically-worded amendment. This measure would resolve a frequently-debated question as to whether an amendment of this type would be eligible for consideration in an Article V Convention.[66] Sometimes referred to as the "Madison Amendment,"[67] supporters assert that by sanctioning a convention to consider a specifically-worded amendment, this proposal would eliminate the possibility for a "runaway convention"[68] by limiting it to consideration of only the amendment applied for by the states.[69]

Current Developments in the States

In recent years, measures proposing applications for one or more of the alternative Article V Convention proposals have been introduced in many states. One scholar of the convention movement, David F. Guldenschuh, reported that at least one application had been introduced in the legislatures of 47 states as of November, 2015.[70] With respect to their progress in the 2015 legislative sessions, he wrote,

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[64] Article I, Section 10, clause 3, "No State shall, *without the Consent of Congress* ... enter into any Agreement or Compact with another State [emphasis added].... "

[65] For additional information and a policy and legal/constitutional analysis of the Compact for a Balanced Budget, please consult CRS congressional distribution memorandum, "The 'Compact for a Balanced Budget' An Interstate Compact to Propose a Balanced Federal Budget Amendment via the 'Article V Convention' Process," by Thomas H. Neale and Andrew Nolan, February 13, 2015, available to Members of Congress and congressional staff from the authors.

[66] See earlier in this report under "Scope."

[67] Not to be confused with the 27th Amendment, also sometimes identified as the Madison Amendment.

[68] "Why the Madison Amendment?" The Madison Amendment website, at http://madisonamendment.org/index.html. A runaway convention is generally defined as one that goes beyond its original mandate to consider amendments in areas that were not included in the state applications through which it was summoned.

[69] H.J.Res. 34 has been referred to the House Judiciary Committee's Subcommittee on the Constitution and Civil Justice. Rep. Henry Cuellar is a cosponsor.

[70] David Guldenschuh, "The Article V Movement: A Comprehensive Assessment to Date and a Suggested Approach for State Legislators and Advocacy Groups Moving Forward," Heartland Institute website, November, 2015, p. 23, at (continued...)

> Six different states passed 7 Article V resolutions in 2015. BBATF (Balanced Budget Amendment Task Force) led the way passing in North Dakota, South Dakota and Utah. The Compact (for a Balanced Budget) passed in North Dakota and Mississippi. The CoS (Convention of States) resolution passed in Alabama[,] and the WP-FFE (Wolf PAC) resolution passed in New Jersey.[71]

The present status of the most prominent Article V Convention campaigns as a result of state action in 2015 follows.

- The Balanced Budget Amendment Task Force is potentially closest to meeting the 34-state constitutional requirement needed to summon a convention. It gained three renewed or first-time applications in 2015 in addition to four from states that repealed earlier rescissions and filed renewed applications in the past three years.[72] The BBA's intention of building on the "legacy" applications of the 1970s and 1980s is signaled by the fact that several states have specified that their recent applications are "to be considered as covering the same subject matter as the presently-outstanding balanced budget resolutions."[73] Adding these to earlier state applications dating to the 1970s, BBA currently claims 27 state applications, seven short of the constitutional requirement, assuming the "legacy" applications remain valid indefinitely.[74]
- The Convention of States now claims six applications to date, including action by the Indiana and Tennessee legislatures in 2016.[75]
- Wolf PAC added one state in 2015, bringing its total to four at the time of this writing.[76]
- Compact for America added one state in 2015, bringing the total of state signatories to the Compact for a Balanced Budget to four at the time of this writing.[77]

(...continued)

https://www.heartland.org/sites/default/files/10-31-15_guldenschuh_-_article_v_movement.pdf.

[71] Ibid.

[72] Alabama, Michigan, and Ohio filed renewed or first-time applications; Florida, Georgia, New Hampshire, and Tennessee have repealed earlier rescissions and filed renewed applications. Balanced Budget Amendment Task Force, "Active Article V BBA Applications," at http://nebula.wsimg.com/ca4282cedfc80cf582e69f265611e5ee?AccessKeyId=499EF5BCFD5720FCE35C&disposition=0&alloworigin=1.

[73] Tennessee General Assembly website, at http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HJR0548.

[74] Guldenschuh, "The Article V Movement," p. 23. The issue of legacy applications is examined earlier in this report, under "What Is the Standard for a Valid Application?"

[75] "Indiana Becomes 6th State to Call for a Convention of States to Rein in the Federal Government," Convention of States Action blog, March 1, 2016, at http://www.cosaction.com/indiana_becomes_6th_state?utm_source=Convention+of+States+Project&utm_campaign=9cf7271b01-COS_Weekly_Roundup_3_2_16&utm_medium=email&utm_term=0_45196125c1-9cf7271b01-216342593

[76] "NJ Applies for A5 Convention to Overturn Citizens United Decision," State Legislators Article V Caucus, *Article V News*, March 2015, at http://articlevcaucus.com/news/march-newsletter/. California, Illinois, and Vermont, had previously submitted Wolf PAC convention applications.

[77] Ibid., "Progress at Compact for America," April 2015, at http://articlevcaucus.com/news/april-newsletter/.

Current Developments in the Policy and Advocacy Community

Organizations that both support and oppose an Article V Convention have mounted activities intended to build support for their preferred approach to the convention.

Selected Article V Convention Advocate Activity

In December 2015, the State Legislators Article V Caucus newsletter reported that the BBA Task Force has joined with the National Federation of Independent Business and the Tea Party Express to conduct state legislator education programs in several states that may consider BBA Task Force applications in their 2016 legislative sessions.[78] The same issue reported that U.S. Term Limits, a policy advocacy group established in 1992 to promote term limits for all levels of elected officials, has initiated a campaign for an Article V Convention to consider an amendment to limit U.S. Representatives to six two-year terms, and U.S. Senators to two six-year terms, for a total of 12 years of service.[79]

Between July 23 and 25, 2015, the Balanced Budget Amendment Task Force sponsored a meeting to discuss convention procedures and coordinate pro-convention group activities. This meeting was held concurrently with that of the American Legislative Exchange Council (ALEC) which provides a forum for state legislators and private sector leaders to discuss and exchange information on state policy issues. ALEC focuses on issues such as "free markets, limited government and constitutional division of powers between the federal and state governments," and has a prepared handbook for state legislators on the Article V Convention process.[80] According to one source, ALEC finalized model rules for convention procedures at a December meeting and will announce them after approval by its Board of Directors.[81]

Also in July 2015, the Convention of States founded a "Convention of States Caucus" for pro-convention state legislators. The caucus was expected to propose draft rules for an Article V Convention at the ALEC San Diego meeting.[82] The issue of rules to govern a convention—who should make them and what they should include—has been controversial: "convention procedures" bills introduced in the late 20th century asserted Congress's responsibility for setting rules and regulations for a convention, but some advocates of the process claim Congress has no role in the process beyond calling the convention.[83]

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[78] Ibid., "BBA Group Partners with NIFB and Tea Party Express," December 2015, at http://articlevcaucus.com/news/december-newsletter-2/.

[79] Ibid., "Article V Term Limits Group Gathering Steam," December 2015, at http://articlevcaucus.com/news/december-newsletter-2/. For further information on proposals to limit congressional terms, consult CRS archived Report 97-632, *Term Limits for Members of Congress: Background and Contemporary Issues, 1990-1996*, by Sula P. Richardson and L. Paige Whitaker. Available by request to Members of Congress and congressional staff.

[80] For additional information on ALEC, see ALEC website, at http://www.alec.org/about-alec/frequently-asked-questions/.Handbook available at http://www.alec.org/publications/article-v-handbook/.

[81] "ALEC Task Force Approves A5 Convention Rules," State Legislators Article V Caucus, *Article V News*, January 2015, at http://articlevcaucus.com/news/january-newsletter-2/.

[82] "Convention of States Launches Legislative Caucus and Web Site at American Legislative Exchange Council Meeting, July 23-24," Convention of States website, July 23, 2015, at http://www.conventionofstates.com/convention_of_states_project_launches_legislator_caucus.

[83] For additional information on this question, see CRS Report R42589, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress*, by Thomas H. Neale, at pp. 32-33.

In January 2015, the CFA's Compact for a Balanced Budget Commission was established to provide an organizational framework and institutional presence for the compact and its member states.[84]

Selected Article V Convention Opponent Activity

At the same time, opposition to the Article V Convention continues to be voiced by public policy advocacy organizations representing a broad segment of the political spectrum.

In 2011, the Heritage Foundation[85] cautioned against a convention:

> [A]n Article V convention is not the answer to our problems. The lack of precedent, extensive unknowns, and considerable risks of an Article V amendments convention should bring sober pause to advocates of legitimate constitutional reform contemplating this avenue. We are not prepared to encourage state governments at this time to apply to Congress to call an amendments convention.[86]

Phyllis Schlafly's Eagle Forum, which defines itself as a "pro-family" conservative public interest organization,[87] has consistently opposed an Article V Convention since at least 1986, on the grounds that it could "jeopardize our most basic liberties enshrined in the Constitution and the Bill of Rights."[88]

In July 2014, the Center on Budget Policy and Priorities cautioned against both a balanced budget amendment and an Article V Convention, asserting "that a convention could open up the Constitution to radical and harmful changes."[89] The center, which defines itself as "a nonpartisan research and policy institute" pursuing "federal and state policies designed both to reduce poverty and inequality and to restore fiscal responsibility in equitable and effective ways...."[90]

The John Birch Society, which describes itself as seeking "to bring about less government, more responsibility, and—with God's help—a better world[,]"[91] has, by its own reckoning, opposed the Article V Convention for 30 years[92] and expressed opposition to the Compact for America since

[84] "What is the Compact for a Balanced Budget Commission?" Compact for a Balanced Budget Commission website, at http://www.balancedbudgetcompact.org/#!the-project/ceu8.

[85] The Heritage Foundation is a self-identified "research and educational institution ... whose mission is to formulate and promote conservative public policies ... " "About Heritage," Heritage Foundation website, at http://www.heritage.org/about.

[86] "Don't be Fooled by Article V Conventions," February 10, 2011, *The Daily Signal*, at http://dailysignal.com/2011/02/10/dont-be-fooled-by-article-v-conventions/.

[87] "About Us," Eagle Forum website, at http://www.eagleforum.org/misc/descript.html.

[88] "New Threat of Constitutional Convention," Eagle Forum website, December 10, 2013, at http://www.eagleforum.org/publications/alerts/2013-archives/new-threat-of-constitutional-convention.html.

[89] Ibid., Richard Kogan, "Constitutional Balanced Budget Amendment Poses Serious Risks," July 16, 2014, at http://www.cbpp.org/research/constitutional-balanced-budget-amendment-poses-serious-risks.

[90] "Our Mission," the Center on Budget and Policy Priorities website, at http://www.cbpp.org/about/mission-history.

[91] "Our Mission," The John Birch Society website, at http://www.jbs.org/about-jbs.

[92] Larry Greenley, "Conservatives Who Oppose an Article V Convention," The John Birch Society website, January 27, 2014, at http://www.jbs.org/news/conservatives-who-oppose-an-article-v-convention.

that proposal was announced.[93] The society claimed most recently that pro-convention groups such as Wolf PAC are funded indirectly by philanthropist and political activist George Soros.[94]

In December 2015, Common Cause, which describes itself as "a nonpartisan grassroots organization dedicated to ... open, honest, and accountable government that serves the public interest, promote[s] equal rights, opportunity, and representation for all, ... an independent voice for change and a watchdog against corruption and abuse of power[,]"[95] issued a position paper opposing an Article V Convention. The report observed that convention advocates cover a broad range of the political spectrum, but declared that "Common Cause strongly opposes an Article V convention, even as we strongly support a constitutional amendment to reverse *Citizens United*."[96] Specifically the report asserts that no existing judicial, legislative, or executive body would have authority over a convention; that lack of pre-existing procedures could lead to political manipulation of a convention; and that a convention could not be limited to a single issue, and that it might propose "additional changes that could limit or eliminate fundamental rights or upend our entire system of government."[97]

Concluding Observations

The Article V Convention alternative for amending the Constitution has enjoyed a considerable revival over the past decade. It has gained the support of activist organizations that embrace a broad range of the political spectrum, from the Tea Party to Occupy Wall Street and places in between. Its partisans appear to be active and committed, but it is unclear that any of the major advocacy groups will be able to attain the constitutional threshold of 34 convention applications, barring unforeseen circumstances.

Several factors may contribute to this condition. One observer, attorney David Guldenschuh, suggests that the proliferation of advocacy groups may actually dilute support for the overall concept as they compete for the limited time and attention of state legislators. The same observer notes that the more complex "multi-subject" strategies pursued by some groups may further vitiate the force of their arguments. A single-issue approach, he suggests, might enjoy a greater chance of success.[98] For example, the Balanced Budget Amendment Task Force, which advocates for a convention that would consider only one issue—a balanced federal budget requirement—claims 27 applications, although 17 of these are "legacy" applications whose validity may be open to challenge. By comparison, no other Article V Convention advocacy group can claim more than six applications at this time. In addition, it is worth noting that that the balanced federal budget amendment is arguably the best known and most widely supported of these proposals: survey research results show consistent public support for a federal balanced budget amendment

[93] Joe Wolverton, II, "Compact for America Proposal Could Increase Federal Power," *The New American*, February 3, 2014, at http://www.thenewamerican.com/usnews/constitution/item/17538-compact-for-america-proposal-could-increase-federal-power%20.

[94] Joe Wolverton, II, "Socialists and Soros Fight for Article V Convention," *The New American*, January 15, 2014, at http://www.thenewamerican.com/usnews/constitution/item/17402-socialists-and-soros-fight-for-article-v-convention.

[95] "About Us," Common Cause website, at http://www.commoncause.org/about/.

[96] "The Dangerous Path: Big Money's Plan to Shred the Constitution," December 2015, Common Cause website, available at http://www.commoncause.org/issues/more-democracy-reforms/constitutional-convention/dangerous-path-report.pdf.

[97] Ibid.

[98] David Guldenshuh, "An Interim Recap of Article V Legislative Activity," State Legislators Article V Caucus, *Article V News*, July 2015, at http://articlevcaucus.com/news/july-newsletter-2/.

since at least 1994.[99] Guldenschuh also cites what he claims is an apparent lack of coordination, noting that "different advocacy groups have somewhat supported each other in states where multiple resolutions have been introduced, [but] their overall failure to work together is causing confusion among legislators and hurting the effort's overall success rate."[100]

Further, it is arguable that the Article V Convention remains largely an internet or social media phenomenon, where it enjoys multiple websites and frequent postings among diverse elements of the advocacy community, both pro and con. By comparison, however, traditional media coverage is sparse, and, notwithstanding public support for a balanced federal budget amendment, the convention alternative does not appear to command widespread attention or support among the general public at this time.

Ultimately, it may be argued that the constitutional process is working as the founders planned. The Article V Convention device was intended to provide an alternative method of amendment, but it was also intended that a convention should enjoy a broad national consensus of support and meet similarly exacting standards as those that apply to amendments proposed in Congress. The current campaign for a convention has generated interest and advocacy within a limited community of activists, but it has yet to attain the broader level of public awareness and active support necessary to meet the Constitution's requirements.

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[99] According to the Roper Center, public support for a balanced budget amendment has never dropped below 61% since 1994, and was recorded at 74% in 2014. The Roper Center, "The Public and Proposed Constitutional Amendments: We Love You, You're Perfect, Now Change," at http://www.ropercenter.uconn.edu/the-public-and-proposed-constitutional-amendments-we-love-you-youre-perfect-now-change-2/.

[100] Guldenschuh, "An Interim Recap of Article V Legislative Activity," at http://articlevcaucus.com/news/july-newsletter-2/.